

¹ Under Rule 4 of the Rules Governing § 2255 Proceedings, the court may summarily dismiss a § 2255 motion where “it plainly appears from the motion, any attached exhibits, and the record of prior proceedings” that the defendant is not entitled to relief.

previously utilized his opportunity to pursue claims under § 2255, *Hoyte v. United States*, Case No. 7:06CV00078, 2006 WL 2375526 (W.D. Va. Aug. 16, 2006), I find that his current claims are successive. This court may consider a second or successive § 2255 motion only upon specific certification from the United States Court of Appeals for the Fourth Circuit that the claims in the motion meet certain criteria. *See* § 2255(h). Hoyte offers no indication that he has obtained certification from the court of appeals to file a second or successive § 2255 motion. Therefore, I must dismiss his current action without prejudice.

A separate Final Order will be entered herewith.

DATED: March 13, 2014

/s/ James P. Jones
United States District Judge